

## Instructions for Answer & Forms

An Answer is a written response to the Complaint with Minor Children. This must be completed by the Defendant to protect the Defendant's rights. If the Defendant chooses to file an Answer, he/she must file the Answer with the Clerk of Courts and serve it on the Plaintiff within 30 days after Defendant is served with the Summons and Complaint (the date Defendant either signed the Admission of Service or the papers were delivered to the Defendant by the Sheriff or process server). **If an Answer is not filed, the court may grant the Plaintiff everything requested in the Complaint and the judge may enter a Default Judgment & Decree of Divorce.**

- **Complete this form in black or blue ink only!**
- Complete the top portion of the Answer (the "caption") just as it appears in the Summons and Complaint with Minor Children. **NOTE:** The caption is the top portion of each form. You will need to know the name of your county, judicial circuit (ask your Clerk of Court if you don't know), name of Plaintiff, name of Defendant and case filing number (ask your Clerk of Court if you don't know). The caption is the same on every form.
- Answer or complete paragraphs 1-4. **You must respond to each and every paragraph of the Complaint with Minor Children. (You must Admit, Deny, Partially Admit or Deny, or state "I do not have enough information to respond to Paragraph number \_\_\_\_\_ of the Complaint.")**
- You must date and sign the Answer and provide your address and telephone number and complete the **Verification** portion. **But, do not sign the documents in either spot until you are in the presence of a notary public or clerk of court. Make sure to bring photo identification to show the notary public or clerk of court. A notary public can usually be found at the bank and sometimes at the courthouse.**
- Make 2 photocopies of the Answer; one for your file and another to be served on the Plaintiff. The original must be filed with the Clerk of Court.

**WARNING: By signing your name, you are telling the court that you are telling the truth and that you have a good faith reason for your requests. If you are not telling the truth, if you are misleading the court, or if you are serving or filing this document for an improper purpose, the court could find you in contempt or you could be prosecuted for not telling the truth.**

## Affidavit of Mailing

You must prove to the Court that you mailed the Answer to the Plaintiff. This is done by completing the Affidavit of Mailing, which is a statement sworn under oath that the Defendant actually mailed the Answer to the Plaintiff on the date indicated at the correct address with the correct postage.

- The Affidavit of Service by Mail may only be completed after the papers/documents listed are placed in the United States Mail.

- Complete the top portion of the Answer (the “caption”) just as it appears in the Summons and Complaint with Minor Children.
- Fill in the blanks as indicated on the Affidavit.
- Make a photocopy of the Affidavit for your file. The original will be filed with the Clerk of Courts.
- **You must sign and date the Affidavit in the presence of a notary public or clerk of court. Make sure to bring identification to show the notary public or clerk of court. A notary public can usually be found at the bank and sometimes at the courthouse.**

### **Service of Answer by Hand-Delivery**

If you hand deliver this form to the Plaintiff, please complete the Admission of Service of Answer (By Hand-Delivery) (Form UJS-351). However, if the Plaintiff will not sign the Admission of Service of Answer, you will still need to mail the document to him/her and complete the Affidavit of Mailing, as set forth above.

- **Complete the form in black or blue ink only!**
- Complete the “caption.” This information will be the same as on the Summons (with Minor Children) and Complaint with Minor Children.
- The Plaintiff must fill in his full legal name in the body of the text.
- The Plaintiff must fill in the town, county and state of the place where he/she received the documents.
- The Plaintiff must fill in the date with the month, day and year he/she received the documents.
- The Plaintiff must complete the signature block with his/her signature, printed name, mailing address and telephone number.
- The Plaintiff should make a copy of the completed Admission for his/her own records and return the original document to the Defendant.
- Defendant should also make a copy for his/her own records and then file the original Admission of Service of Answer with the Clerk of Court.

STATE OF SOUTH DAKOTA )  
 )  
:SS  
COUNTY OF \_\_\_\_\_ )

IN CIRCUIT COURT  
\_\_\_\_\_) JUDICIAL CIRCUIT

_____, Plaintiff,  vs.  _____, Defendant	DIV _____  <b>ANSWER</b>
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Defendant answers the Complaint as follows:

1. I **AGREE** with the following paragraphs of the Complaint with Minor Children:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
2. I **DISAGREE** with the following paragraphs of the Complaint with Minor Children:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
3. I either **PARTIALLY Agree or Disagree** with the following paragraphs of the Complaint with Minor Children: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
4. I **DO NOT HAVE ENOUGH INFORMATION** to either agree or disagree with the following paragraphs of the Complaint with Minor Children: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*If you wish to explain your answers to the previous statements please use the space below. If you do not wish to explain your answers further, leave these spaces blank and sign the document; however make sure you sign before a notary.*

1.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2.

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3.

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4.

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Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Defendant's Signature

\_\_\_\_\_  
Print Defendant's name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Telephone Number



STATE OF SOUTH DAKOTA )  
:SS  
COUNTY OF \_\_\_\_\_)

IN CIRCUIT COURT

\_\_\_\_\_ JUDICIAL CIRCUIT

\_\_\_\_\_,  
Plaintiff,

DIV \_\_\_\_\_

vs.

\_\_\_\_\_,  
Defendant

**AFFIDAVIT OF MAILING  
ANSWER**

I, \_\_\_\_\_, being sworn, state that on  
(Full legal name of Defendant)

\_\_\_\_\_, 20\_\_\_\_\_, I served the Answer on the Plaintiff by

placing a true and correct copy of the document in an envelope addressed to:

\_\_\_\_\_ at \_\_\_\_\_  
(Full legal name of Plaintiff) (Plaintiff's mailing address)

in the City of \_\_\_\_\_, State of \_\_\_\_\_, Zip Code \_\_\_\_\_

and depositing the envelope, with sufficient postage, in the United States Mail at

\_\_\_\_\_  
(City and State mailed from)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Defendant  
(Sign only in front of a Notary or Clerk of Courts)

Sworn/affirmed before me this  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Printed name of Defendant: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_

\_\_\_\_\_  
(Notary Public/Clerk of Courts)

If Notary, my commission expires: \_\_\_\_\_  
(SEAL)